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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,214	02/05/2002	Daniel Bedell	214-12988-US	8461

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EXAMINER

UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

049214

Applicant(s)

Bedell

Examiner

Up to

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-13 and 15-23 is/are rejected.
- ☒ Claim(s) 14 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other. _____

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11, 12 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Duff.

Duff discloses a clarifier with an inlet, overflow launder, underflow discharge port, a deliquifying member in the form of a tube (24) with a lower opening and inclined members (36, 43), and a lower rake having a plurality of pickets (102), as claimed. With respect to the recitation of the free settling, compaction and hindered settling zones, it is submitted that these zones inherently form in a clarifier where a relatively clear liquid is removed at the top and settled solids are removed from the bottom.

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3. Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker.

Parker discloses clarifying a liquid in a clarifier having an inlet, overflow launder, underflow discharge port, deliquifying tube (11) with a plurality of spaced openings (see figure 2), a rake and a chemical injector (4), as claimed. With respect to the recitation of the free settling, compaction and hindered settling zones, it is submitted that these zones inherently form in a clarifier where a relatively clear liquid is removed at the top and settled solids are removed from the bottom.

4. Claims 1-4, 6-11, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Weber.

Claims 1-4, 6-11, 13, 16 and 17 differ from Parker in recitation of the rake having vertical pickets. It is known to add vertical pickets to the rake of a multi level clarifier of similar structure, as shown by Weber. It would therefore have been obvious for one of ordinary skill in the art to provide such pickets, to improve removal of liquid and sludge compaction.

5. Claims 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamp or Soriente.

Kamp and Soriente disclose clarification of liquid in clarifiers having an inlet, overflow launder, rake, underflow discharge port and upflow deliquifying tube with flocculent chemical injection means, as claimed.

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6. Claims 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirsch.

Hirsch discloses clarification in a clarifier having an inlet, overflow launder, rake, underflow discharge port and upflow deliquifying tube with flocculent chemical injection means at the top of the tube (57) and a rake (72), as claimed.

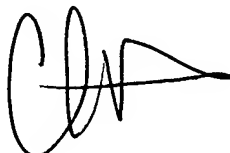
7. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a clarifier having a rake with vertical pickets and a deliquifying means having a tube extending from a lower open portion to an open upper portion with a plurality of spaced openings located along its length and with inclined members over the openings in the lower portion of the vessel patentably distinguishes over the prior art of record.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

All references cited in the international report have been made of record.

9. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.



CHRISTOPHER UPTON
PRIMARY EXAMINER